IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FOURTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

and
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11375 of 2005

Between:

Smt. K. Nagamma, W/o. K.c. Rangaiah,
Temporaraily residing C/o. M. Danakrishna, H.NO. 5-8-88, Karmanghat, R.R. District.

..... PETITIONER

AND

1 The District Superintendent of Police, Kurnool District.
2 The Circle Inspector, IV Town Police Station,Kurnool.
3 The Sub Inspector of Police, IV Town Police Station,Kurnool.

....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a writ, order or direction, preferably one in the nature of writ of Habeas Corpus directing the respondent police to produce the petitioner's son/detenue K. Ramanjaneyulu S/o. K.c. Rangaiah before this Hon'ble Court.

Counsel for the Petitioner: MR.K.RATHANGA PANI REDDY

Counsel for the Respondents: THE ADVOCATE GENERAL

The Court made the following:

ORDER: (PER HON'BLE SRI JUSTICE K.C.BHANU)

The writ petition is filed to direct the respondents to produce the petitioner's son/detenu, K.Ramanjaneyulu S/o K.C.Rangaiah before this Court to record his statement and release him.

The allegation is that the husband of the petitioner, who worked as constable in the A.P. Special Police, II Battalion, Kurnool, was heavily indebted certain amounts to some of the staff in the II Battalion and some others and in that connection on 02.10.2004, the second respondent taken the petitioner's son into custody illegally. Therefore, she sent a telegram and the same was taken up by this Court as W.P.No.21115 of 2004 and vide order, dated 16.12.2004, a direction was given to the respondents to complete the investigation and a report be filed in competent Court.

After conducting a detailed enquiry, Crime No.294 of 2004 was registered by the Kurnool IV Town P.S. under 'man missing' and the investigation is in progress.

The 3rd respondent filed a counter affidavit stating that they have already set up a special team to trace out the alleged detenu and the investigation is in progress. It is also stated that the petitioner is not cooperating with the police to trace out her son and she has shifted her residence from Kurnool to Hyderabad.

We heard the learned Counsel for the petitioner and the learned Additional Advocate General.

The counter affidavit filed by the 3rd respondent would clearly disclose that son of

the petitioner is not required in any criminal case and that they have not arrested the petitioner in connection with any crime. As a matter of fact, it is a case where the son of the petitioner was found to be missing and the police registered a case basing on the directions given by this Court and the matter is under investigation.

Since the investigation is in progress and as there is no prima facie case that the son of the petitioner was detained illegally, we cannot issue Habeas Corpus directing the respondents to produce him. Since it is a case where the son of the petitioner was missed, this Writ Petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No costs.

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V.ESWARAIAH,J

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K.C.BHANU,J

Date: 24.5.2005

Kvrm/da

To

1 The District Superintendent of Police, Kurnool District.
2 The Circle Inspector, IV Town Police Station,Kurnool.
3 The Sub Inspector of Police, IV Town Police Station,Kurnool.

4. 2 CCs to Advocate General, High Court Buildings, Hyderabad

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